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Patent  
51306/776:1  
253/276

3-6-05

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

) Group Art Unit: 2164

Paul Denimarck et al.

) Examiner: To Be Determined

Serial No.: 09/909,576

)

Filed: July 20, 2001

)

For: BIOMETRIC SYSTEM AND  
METHOD FOR IDENTIFYING A  
CUSTOMER UPON ENTERING A  
RETAIL ESTABLISHMENT

)

RECEIVED

FEB 25 2003

GROUP 3600

LETTER RE INFORMATION DISCLOSURE STATEMENT

Commissioner of Patents  
Washington, DC 20231

Dear Sir:

As confirmed by the return receipt postcard bearing the PTO stamp (copy attached), Applicants filed an Information Disclosure Statement and Form PTO-1449 and references on July 20, 2001 along with the application papers.

It is noted that the Information Disclosure Statement filed July 20, 2001 is not listed in PAIR for this application. Attached please find a duplicate copy of the IDS and Form PTO-1449 submitted to the Patent Office on July 20, 2001.

Attached is a revised Form PTO-1449 which better characterizes the items BG through BO cited in the July 20, 2001 IDS. It is requested that the IDS be acknowledged and the PAIR records updated to reflect the filing. It is requested that this revised Form PTO-1449 be used by

the Examiner when considering the cited items. Kindly advise if a replacement of the cited references need be supplied for the PTO files.

Dated: February 13, 2003

Respectfully submitted,

STOEL RIVES LLP

By \_\_\_\_\_



John A. Rafter, Jr.  
Reg. No. 31,653

33451  
Stoel Rives LLP  
900 SW Fifth Avenue, Suite 2600  
Portland, OR 97204  
(503) 224-3380



# COPY

Patent  
253/276

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: )  
Paul Denimarck, et al. ) Group Art Unit: To Be Determined  
Serial No.: To Be Determined ) Examiner: To Be Determined  
Filed: Concurrently herewith )  
For: BIOMETRIC SYSTEM AND )  
METHOD FOR IDENTIFYING A )  
CUSTOMER UPON ENTERING A )  
RETAIL ESTABLISHMENT )

## INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449 and copies are enclosed for the convenience of the Examiner.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

SD-164980.1

### CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

EL356079821US  
Express Mail Label No.

July 20, 2001  
Date of Deposit

Line Gauthier  
Name of Person Mailing Paper  
René Gauthier  
Signature of Person Mailing Paper

**INFORMATION DISCLOSURE STATEMENT FILING PROVISION:**

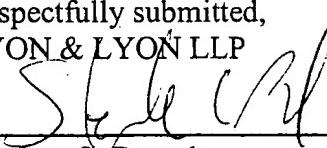
- This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.
- However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.
- However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.
- This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.
- The fee due under 37 CFR § 1.17(p) is submitted herewith.
- A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.
- This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.
- STATEMENT UNDER 37 CFR § 1.97(e):**
- Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
- No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

**PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:**

- A check in the amount of \_\_\_\_\_ is enclosed for the above fee(s).
- Please charge \_\_\_\_\_ to Deposit Account No. **12-2475** for the above fee(s).

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Lyon & Lyon's Deposit Account No. **12-2475**.

Respectfully submitted,  
**LYON & LYON LLP**

By: 

Stephen C. Beuerle  
Reg. No. 38,380



**22249**

**LYON & LYON LLP**  
633 W. Fifth Street,  
Suite 4700  
Los Angeles, CA  
90071

FEB 20 2003

**LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S  
INFORMATION DISCLOSURE STATEMENT**

(Use several sheets if necessary)

ATTY. DOCKET  
253/276SERIAL NO.  
Not yet assignedAPPLICANT:  
Paul Denimarck, et al.FILING DATE:  
Concurrently herewithGROUP:  
Not yet assigned

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE
	AA	4,676,343	06/30/87	Humble et al.	186	61	07/09/84
	AB	4,766,296	08/23/88	Barth	235	383	04/29/87
	AC	4,792,018	12/20/88	Humble et al.	186	61	06/12/85
	AD	4,940,116	07/10/90	O'Connor et al.	186	61	03/07/89
	AE	4,959,530	09/25/90	O'Connor	235	383	03/07/89
	AF	4,964,053	10/16/90	Humble	364	466	10/11/89
	AG	5,267,314	11/30/93	Stambler	380	24	11/17/92
	AH	5,311,969	05/17/94	Dickover et al.	186	61	08/12/93
	AI	5,340,970	08/23/94	Wolfe, Jr. et al.	235	383	03/17/92
	AJ	5,524,073	06/04/96	Stambler	380	24	09/14/93
	AK	5,641,039	06/24/97	Dumont	186	61	09/02/94
	AL	5,646,998	07/08/97	Stambler	380	25	05/22/95
	AM	5,664,110	09/02/97	Green et al.	705	26	12/08/94
	AN	5,747,784	05/05/98	Walter et al.	235	383	10/22/96
	AO	5,752,582	05/19/98	Hayward	186	61	02/09/96
	AP	5,793,302	08/11/98	Stambler	340	825.34	11/12/96
	AQ	5,838,812	11/17/98	Pare, Jr. et al.	382	115	07/25/96
	AR	5,870,723	02/09/99	Pare, Jr. et al.	705	39	08/29/96
	AS	5,877,485	03/02/99	Swartz	235	383	01/24/97
	AT	5,900,614	05/04/99	Nakakawaji et al.	235	462.14	05/27/97
	AU	5,923,735	07/13/99	Swartz et al.	379	93.12	05/29/96
	AV	5,936,541	08/10/99	Lutz	340	825.33	06/10/97

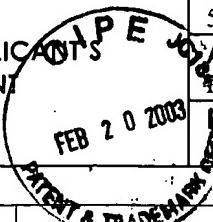
EXAMINER:  
N/A

DATE CONSIDERED:

EXAMINER: Please initial if reference is considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant. Thank you.

**LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S  
INFORMATION DISCLOSURE STATEMENT**

(Use several sheets if necessary)



APPLICANT:  
Paul Denimarck et al.

FILING DATE:  
July 20, 2001

GROUP:  
2164

	AW	5,952,642	09/14/99	Lutz	235	383	12/15/97
	AX	5,965,861	10/12/99	Addy et al.	235	383	02/07/98
	AY	5,967,264	10/19/99	Lutz et al.	186	61	05/1/98
	AZ	5,974,148	10/26/99	Stambler	380	25	05/13/97
	BA	5,979,757	11/09/99	Tracy et al.	235	383	12/20/96
	BB	5,982,914	11/09/99	Lee et al.	382	124	07/29/97
	BC	6,012,039	01/04/00	Hoffman et al.	705	14	02/05/99
	BD	6,032,128	02/29/00	Morrison et al.	705	23	12/15/97
	BE	6,080,938	06/27/00	Lutz	177	25.15	08/13/97

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO
BF		EP 0 991 027 A2	09/23/99	EPC	G07C	9/00	

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

BG	"Sony Fingerprint Identification Unit," ©Sony 1997
BH	"Fingerprint Recognition Device and Smart Card Reader," <a href="http://www.iosoftware.com/products/integration/fit100/index.htm">http://www.iosoftware.com/products/integration/fit100/index.htm</a> , Printed 07/12/00
BI	"Grocery stores to test finger-imaging system," by Jeff Bray, <a href="http://webadv.chron.com/ads/p/perspectives/98/articles/fingerimaging.html">http://webadv.chron.com/ads/p/perspectives/98/articles/fingerimaging.html</a> , Printed 07/03/00
BJ	"Looking for an embedded biometric solution for your product line," Biometric Identification Inc. (undated)
BK	"Meeting your personal identification challenges," <a href="http://www.rofin.com.au/pr/-bss.htm">http://www.rofin.com.au/pr/-bss.htm</a> , Printed 07/03/00
BL	"Mezzanine Veriprint 1100 (MV1100)," <a href="http://www.biometricid.com/Products/">http://www.biometricid.com/Products/</a> , Printed 07/03/00
BM	"SecureSuite Integration for ISVs & Sis," <a href="http://www.iosoftware.com/products/integration/index.htm">http://www.iosoftware.com/products/integration/index.htm</a> , Printed 07/12/00
BN	"Self-contained fingerprint ID systems expand security options," by Chappell Brown, <a href="http://www.eetimes.com/printableArticle?doc_id=OEG1998207S0031">http://www.eetimes.com/printableArticle?doc_id=OEG1998207S0031</a> , dated 12/7/1998, Printed 07/03/00
BO	Sony FIU-001/500 "Self-contained Fingerprint Recognition Device," Adobe file printed from <a href="http://www.iosoftware.com">http://www.iosoftware.com</a> about 07/12/00

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant